

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.10.2017

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A No.2014 of 2013

Prateep Kumar

...Appellant

Vs

1.The Government of Tamilnadu,
Industries Department,
Fort St.George, Chennai - 600 009.

2.The General Manager,
BHEL/BA7, Ranipet, Vellore District.

3.The Collector,
Vellore, Vellore District.

4.Convener and District Revenue Officer,
Screening Committee,
Vellore District, Vellore.

5.Revenue Divisional Officer,
Ranipet, Vellore District.

...Respondents

Prayer:- Writ Appeal filed under clause 15 of Letters Patent,
against the order made in W.P.No.22142 of 2012 dated 23.08.2012.

W.P.No.22142 of 2012:-

Praying to issue a Writ of Certiorarified Mandamus to call
for the records pertaining to the proceedings in No. in Rc.
G3/42175/2011 dt 9.12.2011 passed by the 4th respondent and to
quash the same and consequently direct the 5th respondent to
appoint the petitioner for any other suitable post in BHEL for
which the interview was called for.

For Appellant : Mr.V.P.Rajendran

For Respondents : Ms.A.Sri Jayanthi
Special Govt.Pleader for R1, 3 to 5
Mr.P.Zohn for
M/s.Fox Mandal Associates for R2

JUDGMENT

K.K. SASIDHARAN, J.

This intra court appeal is directed against the order dated 23 August, 2012 in W.P.No.22142 of 2012, whereby and where under the learned single Judge dismissed the writ petition filed by the appellant for employment on the ground that the land owned by the family was acquired and as per the relevant Scheme, at least one member of the family is entitled for employment.

2. We have heard the learned counsel for the appellant. We have also heard the learned Additional Government Pleader on behalf of the Government and the learned counsel for the second respondent.

3. The factual matrix indicates that the land owned by Thiru.Sadayappa Gounder in S.No.298/1 was acquired by the Government for Bharat Heavy Electricals Limited (hereinafter referred to as "BHEL"). The Award dated 14 January, 1982 indicates that Thiru.Sadayappa Gounder is survived by his children, Kannan and Murugesan. BHEL framed a Scheme to give employment to at least one member from each family of the displaced land owners.

4. The appellant made a claim that the land owned by his family was acquired and as such, he is entitled to employment.

5. We are informed that pursuant to the Scheme, a Screening Committee was constituted. The case of the appellant was placed before the Screening Committee and it was rejected on the ground that one member of his family has already given employment.

6. The learned single Judge agreed with the contention taken by the Screening Committee and accordingly, dismissed the writ petition.

7. The factual matrix very clearly indicates that the son of Thiru.Murugesan, who is none other than the successor-in-interest of the land owner got employment in the category "Land Acquired Person". Since one member of the family, namely, the son of Murugesan has already got employment, the Screening Committee was perfectly correct in rejecting the request made by the appellant. The Scheme is very clear that employment would be given to at least one member of the family. Since the son of Murugesan already got employment, the appellant, being the grand child is not entitled to claim employment once again on the ground that the land was acquired for BHEL.

8. We are therefore of the view that the learned single Judge was correct in dismissing the writ petition. We do not find any reason to take a different view on the matter.

9. In the up shot, we dismiss the intra court appeal. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Government of Tamilnadu,
Industries Department,
Fort St.George, Chennai - 600 009.
- 2.The General Manager,
BHEL/BA7, Ranipet, Vellore District.
- 3.The Collector,
Vellore, Vellore District.
- 4.Convener and District Revenue Officer,
Screening Committee,
Vellore District, Vellore.
- 5.Revenue Divisional Officer,
Ranipet, Vellore District.

+1cc to M/s.Fox Mandal Associates, Advocate, S.R.No.75457
+1cc to the Government Pleader, S.R.No.76242

W.A No.2014 of 2013

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